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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,687	09/30/2003	Katie Kuwata	63299/31260	6173
23380	7590	08/10/2007	EXAMINER	
TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			LAZARO, DAVID R	
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/675,687	KUWATA ET AL.
	Examiner David Lazaro	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 May 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the amendment filed 05/21/2007.
2. Claims 1, 13, 14, 16, 17, 19, 22 and 23 were amended.
3. Claims 1-24 are pending in this office action.

***Response to Amendment/Arguments***

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0009562 by Heymann et al. (Heymann) in view of 2003/0112271 by Batalden et al. (Batalden).

7. With respect to claim 1, Heymann teaches a system for tracking web-based sessions comprising:

a browser disposed on an associated data terminal and having at least one visible browser window associated therewith, which browser is adapted for generating

at least one interactive session with an associated web server (Page 5 [0067]-[0073]: generation of session); and

at least one session tracking application associated with an interactive session (Page 5 [0073] javascript or javaApplet), which session tracking application includes monitoring means adapted for monitoring activity on the associated interactive session (Page 5 [0074]-[0076]: monitors for at least (1) and (2)),

testing means adapted for determining whether monitored activity includes an unload event (Page 5 [0074]-[0075]: detected through “onbefore unload”, or “onunload”),

termination means adapted for terminating the associated interactive session upon a determination of an unload event (Page 5 [0078]-[0081]: unloading instruction (step 560) serves as termination means),

notification means adapted for notifying the associated web server to close out the interactive session (Page 5 [0078]-[0081]: unloading instruction (step 560) notifies the server to close interactive session);

and means adapted for commencing an interactive data session between the browser window and the associated web server (Page 4 [0058]-[0060]: browser, Page 5 [0067]-[0073]),

Heymann does not explicitly disclose means adapted for spawning a hidden browser window upon determination of the unload event, which hidden browser window enables the termination means. Batalden teaches controlling a browsing session

through the use of a hidden browser window (Page 3 [0033]). This includes handling of unload events (Page 5 [0057]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Heymann and modify it as indicated by Batalden such that it further comprises means adapted for spawning a hidden browser window upon determination of the unload event, which hidden browser window enables the termination means. One would be motivated to have this, as this allows other parties to control parts of the user's session (Page 1 [0008]), which would be beneficial to the system of Heymann (Page 1 [0008]-[0010]).

8. With respect to claim 13, Heymann teaches a method for tracking web-based sessions comprising the steps of:

generating at least one interactive session with an associated web server, wherein the interactive session is generated via a browser disposed on an associated data terminal and having at least one browser window associated therewith (Page 4 [0058]-[0060]: browser, Page 5 [0067]-[0073]: generation of session);

monitoring activity on the interactive session (Page 5 [0074]-[0076]: monitors for at least (1) and (2)),

determining whether monitored activity includes an unload event (Page 5 [0074]-[0075]: detected through "onbefore unload", or "onunload"),

terminating the interactive session upon a determination of a selected unload event (Page 5 [0078]-[0081]: unloading instruction (step 560) serves as termination means), and

commencing an interactive data session between the browser and the associated web server (Page 5 [0067]-[0073])

notifying the associated web server to close out the interactive session (Page 5 [0078]-[0081]): unloading instruction (step 560) notifies the server to close interactive session).

Heymman does not explicitly disclose spawning a hidden browser window upon determination of the unload event, which hidden browser window enables the termination step. Batalden teaches controlling a browsing session through the use of a hidden browser window (Page 3 [0033]). This includes handling of unload events (Page 5 [0057]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Heymann and modify it as indicated by Batalden such that it further comprises spawning a hidden browser window upon determination of the unload event, which hidden browser window enables the termination step. One would be motivated to have this, as this allows other parties to control parts of the user's session (Page 1 [0008]), which would be beneficial to the system of Heymann (Page 1 [0008]-[0010]).

9. Claims 2-5, 7-12 and 14-17 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heymann in view of U.S. Patent 7,100,122 by Blaschke et al. (Blaschke).

10. With respect to claim 2, Heymann does not explicitly disclose wherein the testing means includes counting means adapted for determining the number of browser windows associated with the at least one interactive session.

Blaschke teaches counting means adapted for determining the number of browser windows associated with an interactive session (Col. 6 line 54 - Col. 7 line 13: browser depth parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Heymann and modify it as indicated by Blaschke such that it further comprises counting means adapted for determining the number of browser windows associated with an interactive session. One would be motivated to have this, as it is desirable to limit the number of browser windows for a given session (In Blaschke: Col. 2 lines 32-45).

11. With respect to claim 3, Heymann further teaches wherein the number of browser windows associated with at least one interactive session are stored in associated memory means (In Blaschke: Col. 6 lines 54-65).

12. With respect to claim 4, Heymann further teaches wherein upon generating an interactive session, the counting means associates session identifying information with the session, increments the number of browser windows associated with the interactive session by one, and stores the session identifying information and incremented number of browser windows associated with the interactive session in the memory means (In Heymann: Page 5 [0070] session ID; In Blaschke: Col. 6 line 54 - Col. 7 line 13).

13. With respect to claim 5, Heymann further teaches wherein the testing means includes means adapted for testing at least one of a browser refresh, browser close, migration from a selected web site, opening of an additional web site by a browser window associated with the interactive session, and session timeout (In Heymann: Page 5 [0074]-[0076]: (1) an unload would occur for a browser close, migration from a selected website and opening an additional web site).

14. With respect to claim 7, Heymann further teaches wherein in the event the testing means determines that the monitored activity is a browser close or a migration from a selected website (In Heymann: Page 5 [0074]-[0076]: unload occurs during a migration from a selected website), the counting means determines the number of browser windows associated with the interactive session (In Blaschke: Col. 6 line 54 - Col. 7 line 13: based on logic of the rejection of claim 2).

15. With respect to claim 8, Heymann further teaches wherein in the event the counting means determines that only one browser window is associated with the interactive session, the terminating means terminates the interactive session (In Blaschke: Col. 7 lines 1-30 parameter can be set to allow only 1 window).

16. With respect to claim 9, Heymann further wherein in the event the counting means determines that at least two browser windows are associated with the interactive session, the terminating means does not terminate the interactive session (In Blaschke: Col. 7 lines 1-30 parameter can be set to allow 2 windows).

17. With respect to claim 10, Heymann further teaches wherein in the event the counting means determines that at least two browser windows are associated with the

interactive session, the counting means decreases the number of browsers associated with the interactive session upon the browser close action or migration from a web site by one of the browser windows associated with the interactive session (In Blaschke: Col. 7 lines 1-30 window count updated with respect to the set parameter).

18. With respect to claim 11, Heymann further teaches wherein in the event the activity monitored is opening of an additional web site by a browser window associated with the interactive session, the counting means increases the number of browser windows associated with the interactive session (In Blaschke: Col. 7 lines 1-30 window count updated with respect to the set parameter).

19. With respect to claim 12, Heymann further teaches wherein in the event the activity monitored is a session timeout, the terminating mean terminates the interactive session (In Heymann: Page 1 [0008]).

20. With respect to claim 14, Heymann does not explicitly disclose determining the number of browser windows associated with the at least one interactive session.

Blaschke teaches counting means adapted for determining the number of browser windows associated with an interactive session (Col. 6 line 54 - Col. 7 line 13: browser depth parameter).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Heymann and modify it as indicated by Blaschke such that it further comprises the step of determining the number of browser windows associated with an interactive session. One would be motivated to

have this, as it is desirable to limit the number of browser windows for a given session (In Blaschke: Col. 2 lines 32-45).

21. With respect to claim 15, Heymann further teaches wherein the number of browser windows associated with at least one interactive session are stored in associated memory means (In Blaschke: Col. 6 lines 54-65).

22. With respect to claim 16, Heymann further teaches wherein upon generating an interactive session, the method further comprises the steps of associating session identifying information with the session (In Heymann: Page 5 [0070] session ID), incrementing the number of browser windows associated with the interactive session by one, and storing the session identifying information and incremented number of browser windows associated with the interactive session in the memory means (In Blaschke: Col. 6 line 54 - Col. 7 line 13).

23. With respect to claim 17, Heymann further teaches wherein the step of determining the monitored activity includes determining whether the activity is at least one of a browser refresh, browser close, migration from a selected web site, opening of an additional web site by a browser window associated with the interactive session, and session timeout (In Heymann: Page 5 [0074]-[0076]: (1) an unload would occur for a browser close, migration from a selected website and opening an additional web site).

24. With respect to claim 19, Heymann further teaches wherein in the event that the monitored activity is a browser close or a migration from a selected website (In Heymann: Page 5 [0074]-[0076]: unload occurs during a migration from a selected website), the method further comprises the step of determining the number of browser

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windows associated with the interactive session (In Blaschke: Col. 6 line 54 - Col. 7 line 13: based on logic of the rejection of claim 2).

25. With respect to claim 20, Heymann further teaches wherein in the event that only one browser window is associated with the interactive session, the interactive session is terminated (In Blaschke: Col. 7 lines 1-30 parameter can be set to allow only 1 window).

26. With respect to claim 21, Heymann further teaches wherein in the event that at least two browser windows are associated with the interactive session, the interactive session is not terminated (In Blaschke: Col. 7 lines 1-30 parameter can be set to allow 2 windows).

27. With respect to claim 22, Heymann further teaches wherein in the event that at least two browser windows are associated with the interactive session, the method further comprises the step of decreasing the number of browsers associated with the interactive session upon the browser close action or migration from a web site by one of the browser windows associated with the interactive session (In Blaschke: Col. 7 lines 1-30 window count updated with respect to the set parameter).

28. With respect to claim 23, Heymann further teaches wherein in the event the activity monitored is opening of an additional web site by a browser window associated with the interactive session, the method further comprises the step of increasing the number of browser windows associated with the interactive session (In Blaschke: Col. 7 lines 1-30 window count updated with respect to the set parameter).

29. With respect to claim 24, Heymann further teaches wherein in the event the activity monitored is a session timeout, the interactive session is terminated (In Heymann: Page 1 [0008]).

30. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heymann in view of U.S. Patent 6,963,908 by Lynch et al. (Lynch).

31. With respect to claim 6, Heymann does not explicitly disclose wherein in the event the testing means determines that the monitored activity is a browser refresh, the termination means does not terminate the associated interactive session.

Lynch teaches a session management system that does not terminate a valid session upon determining a browser refresh (Col. 19 lines 42-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Heymann and modify it as indicated by Lynch such that the system further comprises wherein in the event the testing means determines that the monitored activity is a browser refresh, the termination means does not terminate the associated interactive session. One would be motivated to have this, as this prevents the session from prematurely closing, thus improving communications between the client and the server (In Heymann: Page 1 [0010]).

32. With respect to claim 18, Heymann does not explicitly disclose wherein in the event the monitored activity is a browser refresh, the termination means does not terminate the associated interactive session.

Lynch teaches a session management system that does not terminate a valid session upon determining a browser refresh (Col. 19 lines 42-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Heymann and modify it as indicated by Lynch such that the system further comprises wherein in the event that the monitored activity is a browser refresh, the termination means does not terminate the associated interactive session. One would be motivated to have this, as this prevents the session from prematurely closing, thus improving communications between the client and the server (In Heymann: Page 1 [0010]).

### ***Conclusion***

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David Lazaro  
July 27, 2007

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER